

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

STANLEY H. TITLE, M.D.)

File No. 16-2004-160443

Physician's and Surgeon's)
Certificate No. G 6319)

Respondent)
_____)

DECISION

The attached **Stipulation** is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 26, 2005

IT IS SO ORDERED July 28, 2005.

MEDICAL BOARD OF CALIFORNIA

By: _____

Ronald L. Moy, M.D.

Chair

Panel B

Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 JANE ZACK SIMON
Deputy Attorney General [SBN 116564]
3 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
4 Telephone: (415) 703-5544
Fax: (415) 703-5408
5 Attorneys for Complainant

6
7 **BEFORE THE**
8 **DIVISION OF MEDICAL QUALITY**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 **In the Matter of the Accusation Against:**

13 **STANLEY H. TITLE, M.D.**
200 West 59th Street, #12B
14 New York, NY 10019-1415

15 Physician and Surgeon's Certificate
16 No. G6319

17
18 **Respondent,**

Case No.: 16-2004-160443

**STIPULATED SETTLEMENT
AND DECISION**

19 In the interest of a prompt and speedy settlement of this matter, consistent with the
20 public interest and the responsibility of the Division of Medical Quality, Medical Board of
21 California, Department of Consumer Affairs ("Division") the parties hereby agree to the
22 following Stipulated Settlement and Decision which will be submitted to the Division for its
23 approval and adoption as the final disposition of the Accusation.

24 1. David T. Thornton is the Executive Director of the Medical Board of
25 California and the complainant herein. This action was maintained solely in his official capacity
26 and he is represented in this matter by Bill Lockyer, Attorney General of the State of California,
27 by Jane Zack Simon, Deputy Attorney General.

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2. Respondent Stanley H. Title, M.D. ("respondent") is represented in this matter by Milton Grunwald of Grunwald & Seman, P.C., 400 Garden City Plaza, Suite 310, Garden City, NY 11530.

3. At all times relevant herein, respondent has been licensed by the Medical Board of California under License No. G6319.

4. Accusation No. 16-2004-160443 (hereinafter the "Accusation") was filed before the Division and is currently pending against respondent. The Accusation, together with all other statutorily required documents, was duly served on respondent, and respondent filed a Notice of Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit A and incorporated herein by reference.

5. Respondent fully understands and has discussed with his counsel the nature of the charges alleged in the Accusation and the effects of this stipulation.

6. Respondent understands that the charges and allegations in the Accusation, if proven at a hearing, constitute cause for imposing discipline upon his license. Respondent is fully aware of his legal rights and that, but for this Stipulation, he would be entitled: to a hearing on the charges and allegations in the Accusation; to be represented by counsel, at his own expense, in all proceedings in this matter; to confront and cross-examine the witnesses against him; to present evidence on his own behalf and to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; to reconsideration and appeal of an adverse decision; and all other rights accorded pursuant to the California Administrative Procedure Act and other applicable laws.

7. With these rights in mind, respondent freely, voluntarily, knowingly and intelligently waives and gives up each and every right set forth above.

8. Respondent admits that he was disciplined by the New York State Board for Professional Medical Conduct as set forth in the Accusation. Respondent agrees that he has thereby subjected his California certificate to disciplinary action.

9. Respondent agrees to be bound by the Division's imposition of discipline as set forth in the Order below.

1 10. This stipulation shall be subject to the approval of the Division.
2 Respondent understands and agrees that Board staff and counsel for complainant may
3 communicate directly with the Division regarding this stipulation and settlement, without notice
4 to or participation by respondent or his counsel. Respondent further agrees that he shall not be
5 entitled to view or copy any of the written communications with the Board referred to above. If
6 the Division fails to adopt this stipulation as its Order, the stipulation shall be of no force or
7 effect, it shall be inadmissible in any legal action between the parties, and the Division shall not
8 be disqualified from further action in this matter by virtue of its consideration of this stipulation.

9 11. In consideration of the foregoing admissions and stipulations, the parties
10 agree that the Division shall, without further notice or formal proceeding, issue and enter the
11 following Disciplinary Order:

12 **DISCIPLINARY ORDER**

13 12. **IT IS HEREBY ORDERED** that Physician and Surgeon's License No.
14 G6319 heretofore issued to respondent is revoked. However, the revocation is stayed and
15 respondent is placed on probation for three (3) years on the following terms and conditions:

16 13. **Educational Program:** Within 60 calendar days of the effective date of
17 this Decision, and on an annual basis thereafter, respondent shall submit to the Division or its
18 designee for its prior approval an educational program or courses which shall not be less than 20
19 hours per year, for each year of probation. The educational program or courses shall focus on
20 general medicine, with an emphasis on weight loss treatment and evaluation and medical record
21 keeping. The educational program or courses shall be at respondent's expense and shall be in
22 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.
23 Respondent shall provide proof of attendance of the courses taken in satisfaction of this
24 condition.

25 14. **Practice Monitor:** Within 30 calendar days of the effective date
26 of this Decision, respondent shall submit to the Division or its designee for prior approval as a
27 practice monitor, the name and qualifications of one or more licensed physicians and surgeons
28 whose licenses are valid and in good standing, and who are preferably American Board of

1 Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or
2 personal relationship with respondent, or other relationship that could reasonably be expected to
3 compromise the ability of the monitor to render fair and unbiased reports to the Division,
4 including but not limited to any form of bartering, shall be in respondent's field of practice, and
5 must agree to serve as respondent's monitor. Respondent shall pay all monitoring costs.

6 The Division or its designee shall provide the approved monitor with copies of the
7 Decision and Accusation, and a proposed monitoring plan. Within 15 calendar days of receipt of
8 the Decision, Accusation, and proposed monitoring plan, the monitor shall submit a signed
9 statement that the monitor has read the Decision and Accusation, fully understands the role of a
10 monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor
11 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan
12 with the signed statement.

13 Within 60 calendar days of the effective date of this Decision, and continuing
14 throughout probation, respondent's practice shall be monitored by the approved monitor.
15 Respondent shall make all records available for immediate inspection and copying on the
16 premises by the monitor at all times during business hours and shall retain the records for the
17 entire term of probation.

18 The monitor shall submit a quarterly written report to the Division or its designee
19 which includes an evaluation of respondent's performance, indicating whether respondent's
20 practices are within the standards of practice of medicine, and whether respondent is practicing
21 medicine safely. It shall be the sole responsibility of respondent to ensure that the monitor
22 submits the quarterly written reports to the Division or its designee within 10 calendar days after
23 the end of the preceding quarter.

24 If the monitor resigns or is no longer available, respondent shall, within 5 calendar
25 days of such resignation or unavailability, submit to the Division or its designee, for prior
26 approval, the name and qualifications of a replacement monitor who will be assuming that
27 responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement
28 monitor within 30 days of the resignation or unavailability of the monitor, respondent shall be

1 suspended from the practice of medicine until a replacement monitor is approved and prepared to
2 assume immediate monitoring responsibility. Respondent shall cease the practice of medicine
3 within 3 calendar days after being so notified by the Division or designee.

4 Failure to maintain all records, or to make all appropriate records available for
5 immediate inspection and copying on the premises, or to comply with this condition as outlined
6 above is a violation of probation.

7 15. **Oral and/or Written Examination:** Within 60 calendar days of the
8 effective date of this Decision, respondent shall take and pass an oral and/or written examination,
9 administered by the Probation Unit. The Division or its designee shall administer the oral and/or
10 written examination in a subject to be designated by the Division or its designee and the oral
11 examination shall be audio tape recorded. If respondent fails the first examination, respondent
12 shall be allowed to take and pass a second examination, which may consist of an oral and/or
13 written examination. The waiting period between the first and second examinations shall be at
14 least 90 calendar days. Failure to pass the required oral and/or written examination within 180
15 calendar days after the effective date of this Decision is a violation of probation. Respondent
16 shall pay the costs of all examinations. For purposes of this condition, if respondent is required
17 to take and pass a written exam, it shall be either the Special Purpose Examination (SPEX) or an
18 equivalent examination as determined by the Division or its designee.

19 If respondent fails to pass the first examination, respondent shall be suspended
20 from the practice of medicine. Respondent shall cease the practice of medicine within 72 hours
21 after being notified by the Division or its designee that respondent has failed the examination.
22 Respondent shall remain suspended from the practice of medicine until respondent successfully
23 passes a repeat examination, as evidenced by written notice to respondent from the Division or
24 its designee.

25 The Division or its designee may, in its sole discretion, accept the results of the
26 clinical competency assessment ordered by the New York State Board for Professional Medical
27 Conduct in lieu of requiring respondent to submit to the examination described in this section.

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1 21. **Interview with the Division or it's Designee:** Respondent shall be
2 available in person for interviews either at respondent's place of business or at the probation unit
3 office, with the Division or its designee upon request at various intervals and either with or
4 without prior notice throughout the term of probation.

5 22. **Residing or Practicing Out-of-State:** In the event respondent should
6 leave the State of California to reside or to practice respondent shall notify the Division or its
7 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is
8 defined as any period of time exceeding thirty calendar days in which respondent is not engaging
9 in any activities defined in sections 2051 and 2052 of the Business and Professions Code.
10 All time spent in an intensive training program outside the State of California which has been
11 approved by the Division or its designee shall be considered as time spent in the practice of
12 medicine within the State. A Board-ordered suspension of practice shall not be considered as a
13 period of non-practice.

14 Periods of temporary or permanent residence or practice outside California will
15 not apply to the reduction of the probationary term. Periods of temporary or permanent residence
16 or practice outside California will relieve respondent of the responsibility to comply with the
17 probationary terms and conditions with the exception of this condition and the following terms
18 and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.
19 Respondent's license shall be automatically canceled if respondent's periods of temporary or
20 permanent residence or practice outside California totals two years. However, respondent's
21 license shall not be canceled as long as respondent is residing and practicing medicine in another
22 state of the United States and is on active probation with the medical licensing authority of that
23 state, in which case the two year period shall begin on the date probation is completed or
24 terminated in that state.

25 23. **Failure to Practice Medicine - California Resident:** In the event
26 respondent resides in the State of California and for any reason respondent stops practicing
27 medicine in California, respondent shall notify the Division or its designee in writing within 30
28 calendar days prior to the dates of non-practice and return to practice. Any period of non-

1 practice within California, as defined in this condition, will not apply to the reduction of the
2 probationary term and does not relieve respondent of the responsibility to comply with the terms
3 and conditions of probation. Non-practice is defined as any period of time exceeding thirty
4 calendar days in which respondent is not engaging in any activities defined in sections 2051 and
5 2052 of the Business and Professions Code. All time spent in an intensive training program
6 which has been approved by the Division or its designee shall be considered time spent in the
7 practice of medicine. For purposes of this condition, non-practice due to a Board-ordered
8 suspension or in compliance with any other condition of probation, shall not be considered a
9 period of non-practice.

10 Respondent's license shall be automatically canceled if respondent resides in
11 California and for a total of two years, fails to engage in California in any of the activities
12 described in Business and Professions Code sections 2051 and 2052.

13 24. **Completion of Probation:** Respondent shall comply with all financial
14 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior
15 to the completion of probation. Upon completion successful of probation, respondent's
16 certificate shall be fully restored.

17 25. **Violation of Probation:** Failure to fully comply with any term or
18 condition of probation is a violation of probation. If respondent violates probation in any respect,
19 the Division, after giving respondent notice and the opportunity to be heard, may revoke
20 probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to
21 Revoke Probation, or an Interim Suspension Order is filed against respondent during probation,
22 the Division shall have continuing jurisdiction until the matter is final, and the period of
23 probation shall be extended until the matter is final.

24 26. **Cost Recovery:** Within 90 calendar days from the effective date of the
25 Decision or other period agreed to by the Division or its designee, respondent shall reimburse the
26 Division the amount of \$500.00 for part of its investigative and prosecution costs. The filing of
27 bankruptcy or period of non-practice by respondent shall not relieve the respondent his obligation
28 to reimburse the Division for its costs.


1 27. **License Surrender:** Following the effective date of this Decision, if
2 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
3 the terms and conditions of probation, respondent may request the voluntary surrender of
4 respondent's license. The Division reserves the right to evaluate respondent's request and to
5 exercise its discretion whether or not to grant the request, or to take any other action deemed
6 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
7 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the
8 Division or its designee and respondent shall no longer practice medicine. Respondent will no
9 longer be subject to the terms and conditions of probation and the surrender of respondent's
10 license shall be deemed disciplinary action. If respondent re-applies for a medical license, the
11 application shall be treated as a petition for reinstatement of a revoked certificate.

12 28. **Probation Monitoring Costs:** Respondent shall pay the costs associated
13 with probation monitoring each and every year of probation, as designated by the Division. The
14 costs are currently \$2,874.00, and may be adjusted on an annual basis. Such cost shall be
15 payable to the Medical Board of California and delivered to the Division or its designee no later
16 than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due
17 date is a violation of probation.

18 **ACCEPTANCE**

19 I have carefully read and reviewed with my counsel the above Stipulated
20 Settlement and Decision. I understand the effect this stipulation will have on my license and
21 agree to be bound thereby. I enter into this Stipulated Settlement and Decision knowingly,
22 voluntarily, freely and intelligently. I agree that a FAX copy of my signature shall have the same
23 force and effect as an original.

24 DATED: 5/10/08

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26 
27 STANLEY H. TITLE, M.D.
28 Respondent

1 APPROVAL

2 I have fully discussed with respondent the terms and conditions and other matters
3 contained in the above Stipulation and approve its form and content.

4 DATED: 5-20-05



5 MILTON GRUNWALD
6 Grunwald & Seman, P.C.

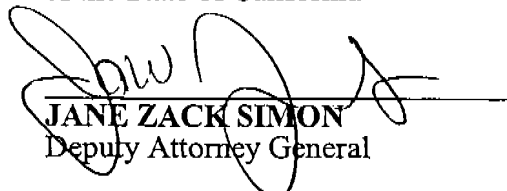
7 Attorneys for Respondent

8 ENDORSEMENT

9
10 The foregoing Stipulated Settlement and Decision is hereby respectfully submitted
11 for consideration of the Division of Medical Quality, Medical Board of California, Department of
12 Consumer Affairs.

13
14 DATED: 5/26/05

15
16 BILL LOCKYER, Attorney General
17 of the State of California

18 
19 JANE ZACK SIMON
20 Deputy Attorney General

21 Attorneys for Complainant
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Exhibit A

BILL LOCKYER, Attorney General
of the State of California
JANE ZACK SIMON
Deputy Attorney General [SBN 116564]
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
Telephone: (415) 703-5544
Facsimile: (415) 703-5480

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 16-2004-160443

STANLEY H. TITLE, M.D.,
200 West 59th Street, #12B
New York, NY 10019-1415

ACCUSATION

Physician and Surgeon's
Certificate No. G6319

Respondent.

The Complainant alleges:

PARTIES

1. Complainant David T. Thornton is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about September 21, 1960, Physician and Surgeon's Certificate No. G6319 was issued by the Board to Stanley H. Title, M.D. (hereinafter "respondent"). Respondent's certificate is renewed and current with an expiration date of Novmeber 30, 2005.

//

JURISDICTION

3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), under the authority of the following sections of the California Business and Professions Code (hereinafter "Code") and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period of not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring if probation is imposed.

B. Section 125.3 of the Code provides, in part, that the Board may request the administrative law judge to direct any licensee found to have committed a violation or violations of the licensing act, to pay the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

C. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

D. Section 141 of the Code

"(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a

1 specific statutory provision in the licensing act administered by the board that provides
2 for discipline based upon a disciplinary action taken against the licensee by another state,
3 an agency of the federal government, or another country."

4 E. Welfare and Institutions Code section 14124.12 provides, in part, that a
5 physician whose license has been placed on probation by the Medical Board shall not be
6 reimbursed by Medi-Cal for "the type of surgical service or invasive procedure that gave
7 rise to the probation."

8 4. Respondent is subject to discipline within the meaning of section 141 and
9 is guilty of unprofessional conduct within the meaning of section 2305 as more particularly set
10 forth herein below.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Discipline, Restriction, or Limitation Imposed by Another State)

13 5. On or about August 12, 2004, the New York State Board for Professional
14 Medical Conduct issued a Consent Order regarding respondent's license to practice medicine in
15 New York. Under the terms of the Consent Order, respondent was issued a censure and
16 reprimand, and he was placed on probation for a period of 36 months. The Consent Order
17 resolved a Statement of Charges in which it was alleged that respondent treated five patients in a
18 manner which departed from the standard of practice. In particular, it was alleged that
19 respondent treated patients for obesity without medical indication, without adequate evaluation
20 and without keeping adequate medical records.

21 Attached hereto as Exhibit A are true and correct copies of the Consent Order and
22 the Statement of Charges of the New York State Board for Professional Medical Conduct.

23 6. Respondent's conduct and the action of the New York State Board for
24 Professional Medical Conduct, as set forth in paragraph 5, above, constitute unprofessional
25 conduct within the meaning of section 2305 and conduct subject to discipline within the meaning
26 of section 141(a).

27 //

1 **PRAYER**

2 **WHEREFORE**, the complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Division issue a decision:

- 4 1. Revoking or suspending Physician and Surgeon's Certificate Number
5 G6319, heretofore issued to respondent Stanley H. Title, M.D.;
- 6 2. Revoking, suspending or denying approval of the respondent's authority to
7 supervise physician assistants;
- 8 3. Ordering respondent to pay the Division the actual and reasonable costs of
9 the investigation and enforcement of this case and to pay the costs of probation monitoring upon
10 order of the Division; and
- 11 4. Taking such other and further action as the Division deems necessary and
12 proper.

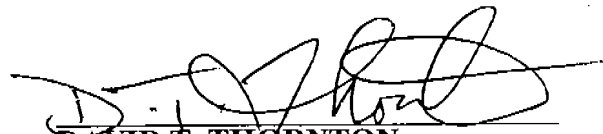
13 DATED: December 7, 2004

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19 **DAVID T. THORNTON**
20 Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California

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27
Complainant

Exhibit A

NEW YORK STATE
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
STANLEY HOWARD TITLE, M.D.

CONSENT
ORDER

BPMC No. 04-178

Upon the application of (Respondent) STANLEY HOWARD TITLE, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is


ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 8/12/04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
STANLEY HOWARD TITLE, M.D.

CONSENT
AGREEMENT
AND
ORDER

STANLEY HOWARD TITLE, M.D., representing that all of the following statements are true, deposes and says:

That on or about July 29, 1960, I was licensed to practice as a physician in the State of New York, and issued License No. 084335 by the New York State Education Department.

My current addresses are 200 W. 57th Street, Suite 401, New York, N.Y. 10019 and 142-10 Roosevelt Avenue, Flushing, N.Y. 11354, and I will advise the Director of the Office of Professional Medical Conduct of any change of addresses.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the Second Specification only as to Paragraphs A and A1-3, the Fourth Specification, and the Fifth Specification, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to §230-a(1) of the Public Health law, I shall be issued a censure and reprimand; and

Pursuant to §230-a(9) of the Public Health Law, I shall be placed on probation for a period of 36 months, subject to the terms set forth in attached Exhibit "B."

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

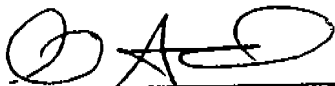
I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 7/29/04

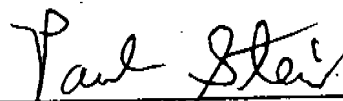

STANLEY HOWARD TITLE, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: July 29, 2004


MILTON GRUNWALD, ESQ.
Grunwald & Seman, P.C.
Attorneys for Respondent

DATE: 7-29-04


PAUL STEIN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 8/11/04


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
STANLEY HOWARD TITLE, M.D.

STATEMENT
OF
CHARGES

STANLEY HOWARD TITLE, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 29, 1960, by the issuance of license number 084335 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. From in or about 1984 through on or about December 9, 1999, Respondent treated Patient A (all patients are identified in Appendix A, below), D.O.B. 4/13/66, in his offices at 142-10 Roosevelt Avenue, Flushing, New York for obesity.
1. Respondent treated Patient A for obesity without adequate medical indication.
 2. Respondent failed to adequately evaluate and treat Patient A.
 3. Respondent failed to keep an adequate record for Patient A.
- B. From on or about October 8, 2001 through on or about January 23, 2002, Respondent treated Patient B, D.O.B. 10/5/60, in his offices at 200 West 57th Street, New York, New York for obesity.
1. Respondent failed to adequately evaluate and treat Patient B.
 2. Respondent failed to keep an adequate record for Patient B.

C. From on or about November 1, 1999 through on or about October 25, 2001, Respondent treated Patient C, D.O.B. 10/15/77, in his offices at 200 West 57th Street, New York, New York for obesity.

1. Respondent failed to adequately evaluate and treat Patient C.
2. Respondent failed to keep an adequate record for Patient C.

D. From on or about June 4, 2001 through on or about January 28, 2002, Respondent treated Patient D, D.O.B. 6/3/55, in his offices at 200 West 57th Street, New York, New York for obesity.

1. Respondent failed to adequately evaluate and treat Patient D.
2. Respondent failed to keep an adequate record for Patient D.

E. From on or about August 4, 2000 through on or about January 3, 2002, Respondent treated Patient E, D.O.B. 11/19/72, in his offices at 142-10 Roosevelt Avenue, Flushing, New York for obesity.

1. Respondent failed to adequately evaluate and treat Patient E.
2. Respondent failed to keep an adequate record for Patient E.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of medicine with gross

negligence on a particular occasion as alleged in the facts of the following:

1. Paragraphs A and A1-3.

SECOND SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraphs A and A1-3; B and B1-2; C and C1-2; D and D1-2; and/or E and E1-2.

THIRD SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

3. Paragraphs A and A1-3; B and B1-2; C and C1-2; D and D1-2; and/or E and E1-2.

FOURTH SPECIFICATION

UNWARRANTED TESTS/TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35) by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient, as alleged in the facts of:

4. Paragraphs A and A1.


FIFTH THROUGH NINTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

5. Paragraphs A and A3.
6. Paragraphs B and B2.
7. Paragraphs C and C2.
8. Paragraphs D and D2.
9. Paragraphs E and E2.

DATED: New York, New York
July 1, 2004



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.

9. Respondent shall obtain a clinical competency assessment performed by a program for such assessment as directed by the Director of OPMC, if and only if, after Respondent has been subject to the practice monitoring described below for a period of six months, the Director of OPMC, in his sole discretion, determines that, based on the reports of the practice monitor, Respondent is in need of such a clinical competency assessment. This clinical competency assessment shall include but not be limited to assessment of Respondent's competency in the areas of pharmacology and weight loss monitoring. Respondent shall cause a written report of such assessment to be provided directly to the Director of OPMC within sixty (60) days of the effective date of this Order.
- a. If it is determined by the clinical competency assessment that continuing medical education is warranted, at the direction of the Office of Professional Medical Conduct and within sixty (60) days following the completion of the clinical competency assessment, Respondent shall identify a preceptor, preferably a physician board-certified in the same specialty, to be approved, in writing, by the Director of OPMC, and shall be enrolled in a course of personalized continuing medical education. Respondent shall remain enrolled and shall fully participate in the program.
 - b. Respondent shall cause the preceptor to:
 - i. Develop and submit to the Director of OPMC for written approval a remediation plan, which addresses the deficiencies/retraining recommendations identified in the clinical competency assessment. Additionally, this proposal shall establish a timeframe for completion of the remediation program of not less than three months and no longer than twelve months.
 - ii. Submit progress reports at periods identified by OPMC certifying whether Respondent is fully participating in the personalized continuing medical education program and is making satisfactory progress towards the completion of the approved remediation plan.
 - iii. Report immediately to the Director of OPMC if Respondent withdraws from the program and report promptly to OPMC any significant pattern of non-compliance by Respondent.
 - c. At the conclusion of the program, submit to the Director of OPMC a detailed assessment of the progress made by Respondent toward remediation of all identified deficiencies.
10. Respondent shall practice medicine in either private practice, hospitals or other institutional settings outside of the personalized continuing medical education program, only when monitored by a licensed physician, preferably board-certified in an appropriate specialty ("practice monitor"), proposed by Respondent and subject to the written approval of the Director of OPMC.
- a. Respondent shall make available to the practice monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 30 or records of 100 per cent of his patients, whichever is fewer) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the

generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - c. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
- 11. Respondent shall enroll in and complete a continuing education program in the areas of pharmacology and weight loss monitoring. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year of the probation period, unless the Order specifies otherwise.
 - 12. Respondent shall be solely responsible for all expenses associated with these terms, including fees, if any, for the clinical competency assessment, the personalized continuing medical education, or to the monitoring physician. Respondent shall provide to the Director of OPMC proof of full payment of all costs that may be charged. This term of probation shall not be satisfied in the absence of actual receipt, by the Director, of such documentation, and any failure to satisfy shall provide a basis for a Violation of Probation proceeding.
 - 13. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.